

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 16-CR-20465

vs.

HON. BERNARD A. FRIEDMAN

MICHAEL KENNEDY,

Defendant.

**OPINION AND ORDER GRANTING DEFENDANT’S
APPLICATION TO PROCEED IN FORMA PAUPERIS**

This matter is before the Court on defendant Kennedy’s application to proceed *in forma pauperis* [docket entry 47]. Kennedy appeals the Court’s May 25, 2017, “judgment of conviction.” Notice of Appeal p. 1.

Under 28 U.S.C. § 1915(a)(1), the Court may waive a person’s filing fees if he shows that he is “unable to pay such fees.” Having reviewed the complaint and defendant’s affidavit, the Court finds plaintiff unable to pay the required filing fee. Of course, inability notwithstanding, an “appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” § 1915(a)(3). The Supreme Court has defined an appeal taken in good faith as any non-frivolous appeal.¹

Consequently, the question before the Court is whether plaintiff’s appeal is frivolous. The Court feels that it must certify Kennedy’s appeal as not frivolous. The Court cannot, in good conscience, certify as frivolous an appeal impugning its own impartiality.

Accordingly,

¹ *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

IT IS ORDERED that Kennedy's application to proceed *in forma pauperis* is granted.

Dated: August 23, 2017
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 23, 2017.

s/Johnetta M. Curry-Williams
Acting in the Absence of Carol Mullins
Case Manager and Deputy Clerk